

HOUSE BILL REPORT

HB 2061

As Reported by House Committee On:
Juvenile Justice & Family Law

Title: An act relating to requiring disposition to be held in juvenile court in certain circumstances when a case is automatically transferred to adult court.

Brief Description: Requiring disposition to be held in juvenile court in certain circumstances when a case is automatically transferred to adult court.

Sponsors: Representatives Darneille, Moeller and Dickerson.

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 2/23/05, 3/1/05 [DPS].

Brief Summary of Substitute Bill

- Requires a case that was automatically transferred to adult court be returned to juvenile court for disposition if the juvenile is convicted of an offense that was not one requiring automatic transfer of jurisdiction, or if the juvenile was convicted of a lesser included offense.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Dickerson, Chair; Moeller, Vice Chair; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse, Lovick and Roberts.

Staff: Sonja Hallum (786-7092).

Background:

In general, the juvenile court has exclusive original jurisdiction over juveniles under age 18 who are charged with a criminal offense, traffic infraction, or violation. However, in some situations, the case is transferred to adult court and juvenile court does not have jurisdiction.

A case may be transferred to adult court through an automatic transfer procedure which permits the case to be filed directly into adult court and never enter juvenile court. A case may also be transferred to adult court if a court holds a decline hearing and decides to decline juvenile court jurisdiction.

A case may be automatically transferred to adult court if the juvenile is 16 or 17 years old and the alleged offense is a:

- (1) serious violent offense; or
- (2) violent offense and the offender has a criminal history consisting of:
 - (a) one or more prior serious violent offenses;
 - (b) two or more prior violent offenses; or
 - (c) three or more of any combination of the following offenses: any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's 13th birthday and prosecuted separately.

If a case is automatically transferred to the adult court, and the prosecutor reduces the charge to an offense that does not require automatic transfer of jurisdiction, the case must be returned to juvenile court where all further proceedings will be held.

However, in a recent Washington Court of Appeals case, *State v. Manro*, the court found the juvenile automatic transfer of jurisdiction statute required that if a person was found not guilty of the charge that was the basis of the automatic transfer, but was found guilty of a second count that was not an automatic transfer charge, or if the person were found guilty of a lesser included offense, then the case would not be sent to juvenile court for disposition. Instead, the adult court would retain jurisdiction regardless of whether the offense for which the juvenile was convicted was one requiring automatic transfer.

The juvenile court loses jurisdiction over a juvenile when the juvenile turns age 18, unless the court extends juvenile court jurisdiction by issuing a written order. In no event may the juvenile court extend jurisdiction over any juvenile offender beyond the juvenile's 21st birthday.

Summary of Substitute Bill:

If a juvenile offender case is transferred to adult court pursuant to the automatic transfer of jurisdiction statute, and the juvenile is then charged with multiple counts in adult court and found not guilty in the adult criminal court of the charge for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense that is not one requiring automatic transfer, the case will be returned to juvenile court for the disposition of the case.

If the juvenile has turned 18 years of age during the adult criminal court proceedings, the juvenile court must enter an order extending juvenile court jurisdiction.

Substitute Bill Compared to Original Bill:

The substitute clarifies that if the juvenile is found not guilty of the charge for which he or she was transferred, the juvenile court will have jurisdiction over any remaining charges for purposes of disposition.

The substitute also clarifies that if the juvenile is convicted of a lesser included offense that is also an offense that would require automatic transfer of jurisdiction, the offense will not be returned to juvenile court for sentencing.

However, if a case is returned to juvenile court for sentencing purposes, the substitute states that juvenile court is permitted to hold a decline hearing and send the case back to adult court for sentencing if it is appropriate.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support) With the current interpretation of the law the juvenile might be convicted and sentenced in adult court on a charge that wasn't one that originally required transfer. We want to provide clarifying information to the court to send these cases back to juvenile court. The bill clarifies what a lot of people thought was the law. We don't want kids convicted of offenses as adults for crimes that never even required transfer. People were shocked by the court case that interpreted the statute to require this result.

(With concerns) We thought this was the law, but would like an amendment to clarify that the juvenile court can still decline jurisdiction.

Testimony Against: None.

Persons Testifying: (In support) George Yeannakis, Washington Defenders Association; and Martha harden-Cesar, Superior Court Judges.

(With concerns) Tom McBride, Washington Association of Prosecuting Attorneys.

Persons Signed In To Testify But Not Testifying: None.